

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES EARL GEORGE,)	
Petitioner,)	
)	
v.)	Civil Action No. 14-408
)	
)	
NANCY A. GIROUX, et al.,)	
Respondent.)	

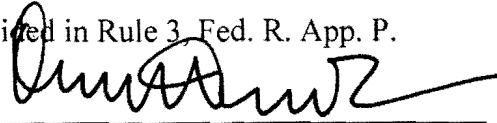
ORDER

AND NOW, this 1st day of August, 2014, after the petitioner, James Earl George, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon review of the objections filed by the petitioner, and upon independent review of the petition and the record and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 8),

IT IS ORDERED as follows: That the petition for a writ of habeas corpus filed by petitioner (ECF No. 1) is dismissed and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied. The Report and Recommendation of the Magistrate Judge is adopted as the Opinion of this Court, modified as follows: in light of the concession of the Respondent in her Answer, (ECF No. 7 at section III), that she does not oppose the Court's reaching the merits of the Petitioner's ineffectiveness of counsel claim premised on an alleged failure of such counsel to effectively raise a claim at pre-trial, trial and upon direct appeal related to the Commonwealth's compliance with Pennsylvania Criminal Rule 600, this Court agrees with and adopts the Magistrate Judge's recommended conclusion that such

claim of ineffectiveness is meritless, for the reasons set forth at length in the Report and Recommendation. Therefore, in light of the Respondent's concession, it is not necessary to the decision here to address whether such claim was procedural defaulted for failure to exhaust it in the Petitioner's state court proceedings. *See* R&R at 5.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



Mark R. Hornak
United States District Judge

cc: James Earl George
HY-4593
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